THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21883 of 2006

22.2.2007

Between:

Smt.B.Vijaya Kumari, W/o.Late B.Eswarayya

... Petitioner

AND

The Executive Officer (Panchayat Secretary),
Boduppal Gram Panchayat, Ghatkesal Mandal, \
Ranga Reddy District

... Respondent

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WRIT PETITION No.21883 of 2006

ORDER:

The petitioner is resident of Boduppal village. She alleges that her husband purchased 250 Sq.yards of land (plot No.108/A) in survey No.200 of the said Village under registered sale deed 29.7.1994. After death of her husband, she allegedly laid roof in respect of two rooms on the eastern side of the premises. The neighbours on the western side are allegedly related to the Mandal Revenue Officer, Ghatkesal Mandal (MRO), and therefore, they approached the respondent, who issued notice dated 16.10.2006 directing the petitioner to stop unauthorized construction and to remove the slab within seven days. As there was a threat of demolition she filed the present writ petition.

The Executive Officer of Boduppal Gram Panchayat filed counter affidavit. It is stated that the petitioner has an old house near Ayyappa Temple of Srinivasa Colony and she made illegal construction on the eastern side of the old house without obtaining necessary permission from the Gram Panchayat. The respondent inspected the premises on 11.10.2006 and directed the petitioner to submit necessary documents in proof of her title. Though she was directed to stop construction, she continued the same during nighttime and completed the roof. In the meanwhile, Sri J.Anandam, the neighbour of the petitioner, gave a complaint on 13.12.2004 and on 12.5.2005 to the Gram Panchayat to take necessary action. He also filed O.S.No.877 of 2000 on the file of the Court of the Junior Civil Judge, Ranga Reddy District, against the petitioner herein, and the same is pending. The petitioner suppressed all this and filed the present writ petition. It is asserted that the petitioner made construction on the public road in contravention of Section 96 of the A.P. Panchayat Raj Act, 1994 (the Act, for brevity), and therefore, the impugned notice was issued.

The counter affidavit is served on the petitioner's Counsel on 13.11.2006. In spite of the same, no reply affidavit is filed. The allegation that the petitioner did not obtain any permission under the provisions of the Act is not denied. The petitioner also suppressed filing of the suit by her neighbour and, therefore, this Court is not inclined to interfere in the matter. It is for the petitioner to approach the Gram Panchayat for necessary redressal.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

February 22, 2007.
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